

Oration for Professor Peter Goodrich

President, Master, Graduates and Graduands, Guests, and Colleagues:

Today, I have the delightful task of welcoming Professor Peter Goodrich to a Fellowship at Birkbeck.

Sir John Fortescue, Chief Justice of the King's Bench. The date is 1458:

Sir, the law is as I say it is, and so it has been laid down ever since the law began; and we have several set forms which are held as law, and so held and used for good reason, though we cannot at present remember that reason.

What is the law? Although laid down in texts – the decalogue, scrolls, dead letters – the reasons for Law's "set forms" have been lost in the miasma of history and the sulphuric vapours of the unconscious. As Fortescue recognised, Justice is a female deity, who conjures up representations of "things past, as if they were present" (actus memorandi), but who also engages in actus reminiscendi: the discourse of remembering one thing, and discovering another, "lost and forgotten".

These are the acts of memory that Goodrich performs for us, animating those dead letter, those "set forms". As Goodrich puts it, "it is not the letter but the spirit that determines the meaning of the law". In his characteristic prose, Goodrich writes,

The text is composed of dead letters (litera mortua); the rule is no more than a "mute judge", a sleeping form, requiring the interposition, anima legis, of jurist or judge.... The meaning of the law is internal to its living body, viva vox juris or lex loquens, its image,

interpreter, or legislator. In classical terms it is spelled out by reference to something beyond words: “to know the law is not to know the words of the law, but its force and power”.

In my view, this is a classic Goodrich statement, over-brimming with Latinities, historical, critical, bodily, with attention paid to image – emblems and spectatorships. It exposes a yearning to recover more obscure texts, the “other scenes” and traumas that law has prohibited, repressed, or cannot consider.

Goodrich politicises law. Through aesthetics and literature, he opens law to other possibilities and expressions of value, justice, and love. He sees the potential for radical, critical legal practices and structures in part because, for him, legal discourse is historical, contingent, and rhetorically organised. It has been figured, and so can be refigured.

Goodrich has always paid attention to alternative jurisdictions or forums of justice. He has no patience for the mythologies of memory so pervasive in English Common Law. These mythologies, he persuasively shows, are impeded by their distance from the person and from emotion. This is why the Law “precludes the dialogue or the attention to singularity which justice or ethics requires”, as Goodrich expresses it in Law in the Courts of Love.

In contrast, his actus reminscendi takes us (amongst many other places) to the High Court of Love, established on St Valentine’s day 1400 by Charles VI of France. Its purpose was to decide on disputes, ranging from breaches of erotic confidences to acts of physical violence between lovers. The “Laws of Love” that he gives us can be read as historical and practical discourses of memory. His historical wanderings have taken him from the twelfth century to the present, but in reading his work I sense his great affinity for the legal theatres of earlier centuries. Peoples between the twelfth to the seventeenth centuries, he maintains, “were probably even wilder than our trans-gendered, trans-sexual, acceleratngly virtual times”, in part because they

“forged their art against unenviable odds”, the loaded dice thrown by Church and State. In his forum of love, he gathers together for us practices of law involving marginal peoples, women, and rebels.

So, whence has come this big and bold thinker? He was conceived in India and spent his early years in Singapore where his father was the Head of Police. In the transition of government to the Singaporeans, they returned to Britain. His grandfather was Godfrey Elton (the first Baron Elton), famous Oxford historian and staunch supporter of Ramsay Macdonald, the first Labour Party Prime Minister, who had studied at Birkbeck. Today, his uncle, Rodney Elton, the 2nd Baron of Elton, is a member of the House of Lords.

Goodrich was sent as a boarder to Cot Hill from the tender age of seven years, a difficult time for the young child. He then went to Marlborough. He hated boarding school so much that at one stage he even feigned appendicitis. It was only after his appendix was removed that his deception was exposed.

He was awarded his LLB in 1975 from the University of Sheffield. Originally, he had intended to go into law. On his first day in Lincoln’s Inn, however, he was sent home in disgrace by the Head of Chambers and told to buy a pin stripe suit and have a haircut. Is it any wonder that, shortly after, he decided that academic life was more suited to his character? And so he followed his beloved grandfather Elton into the academic life, being awarded a PhD from the University of Edinburgh in 1984. The title of his thesis sums up his future trajectory: Legal Discourses: Studies in Linguistics, Rhetoric, and Legal Analysis. If you want to get a sense of the man in the 1980s, there is a video of him on You-Tube, looking like a rather scruffy hippy during a discussion with Neil MacCormick.

He went from the University of Edinburgh to a lectureship at Liverpool John Moore’s University. PhD in hand, he was appointed to the University of Newcastle-upon-Tyne, then a senior lectureship at the University of Lancaster.

And that was when his life changed. In 1991, our then Master, Tessa Blackstone, called on Goodrich to establish what is still the youngest of the six University of London Law Schools. Goodrich became the Corporation of London Professor of Law. At the beginning, there were only three members of academic staff and one administrator: Goodrich, Costas Douzinas, Matthew Weait, and Valerie Hoare. At the inauguration of the department in the Guildhall, Goodrich claimed that “melancholia is the existential condition of the common law”. Lawyers “are essentially – necessarily – made unhappy, depressive and morose by the study and practice of the law”. It was hardly a celebration for the fledging new department.

Undaunted, the staff set out introducing Freud, Habermas, Luhmann, Derrida, Deleuze, Kennedy, Lacan, Legendre, Levinas, and Zizek to students. Law in the capital took an abrupt turn into Critical Legal Studies: aesthetics, psychoanalysis, literature, theatre, feminism, philosophy, and radical imaginaries of ethics.

And it worked. The Department (now, School of Law, composed of the Department of Law and the Department of Criminology) has thrived. They are amongst the top ten research institution in the UK and in the top three in London. From a staff of 4, it now has over 40 academics, 15 administrators, and around 1,000 students.

By 1999, however, it was time to leave. Alongside his partner Professor Linda Mills (an equally formidable academic and currently Vice Chancellor and Senior Vice Provost of Global Programs and University Life at New York University), left for Los Angeles and then New York. He is currently the Professor of Law and Director of the Program in Law and Humanities at the Cardozo School of Law in New York.

It has been a remarkable career, in which he has written at least 12 sole-authored books and numerous edited volumes. The list of his articles and chapters take up nine single-spaced pages of his CV. He is a film maker, a journal editor, a writer of art catalogues, and a published chef. Indeed, food matters to him. They also cross over into his intellectual practice. As he notes, significant aspects of training in law still take place over dinners at the Inns of Court. These “rites of eating”, he tells us, are

“aspects of instituting a legal form of subjectivity, one of conformity as community.... The Tables of Justice reflect tablets of law,... a coming together over flesh and the sacrificial rites” of eating vast quantities of mutton. Thus, he speculates, could be a reason for so many errors of justice. He recommends a vegequarian diet, especially his rightly famous crab cakes and white fish with red orange reduction and rhubarb.

There have been difficult times. Perhaps none were so traumatic as 9/11 when Goodrich, Mills, and their five-year-old son, Ronnie, witnessed the planes flying into the World Trade Center. A part of the plane’s engine landed on the top floor of their Manhattan apartment, tearing the roof open, and rendering them homeless for six weeks.

But Goodrich used this trauma to make connections with the Arab world. In addition to his post at Cardozo, he is Visiting Professor of Law at the New York University of Abu Dhabi.

At Birkbeck, as at every university he has worked, Goodrich has proved himself to be a consummate administrator as well as intellectual. He is a dedicated teacher, committed to ensuring that his students excel. For at least six years, he has been voted Teacher of the Year.

But let me return in conclusion to law. As all of this suggests, Goodrich insists that justice is theatrical. It is a theatre that he not only presents, but also represents. He is the sartorial eccentric. When I first met him, he was pacing the platform of Birkbeck’s lecture theatre in green shoes, over-sized red glasses, and purple trousers. His ponytail was swaying slightly off-beat to the cadence of his rhetoric. It was a reminder to never underestimate the power of ceremonial clothes, raised platforms, and Latin. In a similar way that students in Law Schools have been shown to believe that justice is more likely to be done in a formal court, with robes and columns and benches and thrones, so too Goodrich bewitches us with sartorial eccentricity, Latinisms, visual emblems, and a glossolalic bombardment of metaphors and unfamiliar juxtapositions.

How does he relax? In one interview, he claimed that he goes “to sleep every night by listening to stand up comedy (why lying down)”. He is also a devoted father to Ronnie and partner to his “Queen of Friends”, Linda Mills.

His is the lived gregarious uncertainty of a man happiest when engaged in the “theatre of pedagogy”, the contradictions of a man who tells me he has had his “back broken by the weight of books”, yet glories in “the narcotic confines of libraries”. He tells me, “I like to dream, I like to fail”, but for someone who calls himself a “friendless misanthrope hurtling towards the void”, he is a man of deep friendship, convivial warmth, and (dare I use the word) love for his fellow misanthropes “hurtling towards that same void”

We salute his genius for law, pedagogy, and friendship. For these reasons, and so many others, we are honoured that he has agreed to be a Fellow of Birkbeck.